

REMARKS

This paper is presented in response to the non-final official action of July 7, 2009, wherein (a) claims 18-22 were pending, and (b) claims 18-22 were rejected as obvious over Tilles et al. US 6,748,295 ("Tilles") in view of Gustafsson US 6,424,841 ("Gustafsson"), collectively the "applied art."

By this amendment, claims 18 and 22 are amended and new claims 23-28 are added. Support for the amendments to claims 18 and 22, and new claims 23-28, may be found in the specification and claims as originally filed. For example, support may be found at least at page 24, lines 8-16. No new matter is added.

This response is timely-filed, as it is accompanied by a petition for a one month extension of time and the required fee.

The obviousness rejection is respectfully traversed. Reconsideration of the application, as amended, is solicited.

The applicants respectfully submit that the applied art fails to disclose or suggest every claim limitation. Each of amended claims 18-22 recites a method of (or a device for) transmitting notifications to users of a logistic system comprising, in part, interrupting sending of notification orders during night hours to prevent disturbing a user. Tilles and Gustafsson both fail to disclose or suggest interrupting sending of notification orders during night hours to prevent disturbing a user.

Tilles discloses an item delivery and retrieval system with a storage subsystem, which includes a storage carousel and a computer system on which a web page-based customized application software is implemented. The application software provides the possibility of internet e-mail notification. However, the e-mail notification is sent as soon as a respective item is stored in the carousel of the system. See Tilles, col. 13, lines 49-50. Thus, Tilles fails to disclose interrupting sending of notification orders during night hours to prevent disturbing a user, as is recited by each of claims 18-20 and 22.

Moreover, the official action recognizes that Tilles fails to disclose sending orders in a deferred manner. See the official action at page 4. Thus, Tilles cannot disclose deferring (e.g., interrupting) the sending of orders based on the time of day.

For this additional reason, Tilles fails to disclose interrupting sending of notification orders during night hours to prevent disturbing a user, as is recited by each of claims 18-20 and 22.

Gustafsson discloses a method of improving bandwidth usage in a Short Message System (SMS). Gustafsson teaches that bandwidth usage may be improved by incorporating return information in an acknowledgement message after an incoming message has been received from a sender. See Gustafsson, abstract. Gustafsson teaches that when a SMS message is received, the receiving unit transmits an acknowledgement message to the sending unit. This acknowledgement message is usually very short and thus, there is excess unused bandwidth space (e.g., unused message fields) in the acknowledgement message that may be used. Queued messages in the receiving unit (or portions of queued messages) may be piggybacked on the acknowledgement message to save bandwidth. When an acknowledgement message is prepared, the message queue is examined to determine whether there are any queued messages destined for the sending mobile device. See Gustafsson col. 7, lines 28-40. If there are messages in the queue that can be sent with the acknowledgement message, the “message send manager 52” inserts a portion of the message into the acknowledgement message. The messages in the queue appear to be sent on a first in-first out basis. Gustafsson teaches that the message queue should be reviewed periodically to “insure that no messages are delayed too long before being sent.” See Gustafsson col. 7, lines 39-40. However, Gustafsson does not teach that messages should be delayed (or interrupted) based on the time of day a message is to be sent. Gustafsson fails to even recognize that sending a SMS message during night hours may disturb a user. Thus, Gustafsson fails to disclose or suggest interrupting sending of notification orders during night hours to prevent disturbing a user, as is recited by each of claims 18-20 and 22.

Because Tilles and Gustafsson both fail to disclose or suggest interrupting sending of notification orders during night hours to prevent disturbing a user, none of claims 18-22 can be rendered obvious over any combination of Tilles and

Gustafsson. For this reason, the applicants respectfully request withdrawal of the rejection of claims 18-22.

Each of new claims 23-28 depends directly or indirectly from claim 18 or 22. Thus, claims 23-28 are allowable at least for the reasons set forth above with respect to claims 18-22.

Conclusion

The outstanding rejection should be withdrawn and the application passed to allowance, and such action is solicited.

Should the examiner wish to discuss the foregoing or any matter of form in an effort to advance this application toward allowance he is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

By 

Michael A. Chinlund, Reg. No. 55,064
MARSHALL, GERSTEIN & BORUN LLP
6300 Willis Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant